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Of Attorneys for Defendant Walker Place, LLC

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

ROSS DRESS FOR LESS, INC., a Delaware
corporation,

Plaintiff,

v.

MAKARIOS-OREGON, LLC, an Oregon
limited liability company; and WALKER
PLACE, LLC, an Oregon limited liability
company,

Defendants,

Case No. 3:14-cv-01971

**DECLARATION OF KEITH A. PITT
IN SUPPORT OF WALKER PLACE
LLC'S MOTIONS FOR PARTIAL
SUMMARY JUDGMENT AND
SUPPORTING MEMORANDUM OF
LAW**

I, Keith A. Pitt, state as follows:

1. I am one of the attorneys for Defendant Walker Place, LLC. I make this declaration based on facts known to me. I am over the age of 18 and competent to testify herein.
2. This Declaration is submitted in support of Defendant Walker Place, LLC's Motion for Partial Summary Judgment and Supporting Memorandum of Law.

3. Attached hereto as Exhibit A and incorporated herein are true and correct copies of pertinent pages of the deposition of John Haskins, Vol. II, taken on October 21, 2015.

4. Attached hereto as Exhibit B and incorporated herein is a true and correct copy of the 1996 Ross renovation drawings.

5. Attached hereto as Exhibit C and incorporated herein is a true and correct copy of Waterleaf Report dated November 9, 2010 (sic), Memorandum dated November 8, 2015, and Rebuttal Report dated December 9, 2015.

6. Attached hereto as Exhibit D and incorporated herein are true and correct copies of pertinent pages of the deposition of Gregg McGillis, taken on June 17, 2015.

7. Attached hereto as Exhibit E and incorporated herein are true and correct copies of pertinent pages of the deposition of Brian Bowles, taken on January 22, 2016.

8. Attached hereto as Exhibit F and incorporated herein is a true and correct copy of the 1996 Sixth Amendment to Lease.

9. Attached hereto as Exhibit G and incorporated herein is a true and correct copy of the 1956 Failing Building Lease.

10. Attached hereto as Exhibit H and incorporated herein is a true and correct copy of Michael Heerman's Expert report dated November 6, 2015.

**I HEREBY DECLARE THAT THE ABOVE STATEMENT IS
TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND
THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN
COURT AND IS SUBJECT TO PENALTY FOR PERJURY.**

DATED this 1st day of February 2016.

SLINDE NELSON STANFORD

By: /s/ Keith A. Pitt
Keith A. Pitt, OSB No. 973725
Of Attorneys for Walker Place, LLC

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DECLARATION OF KEITH A. PITT IN SUPPORT OF WALKER PLACE LLC'S MOTIONS FOR PARTIAL SUMMARY JUDGMENT AND SUPPORTING MEMORANDUM OF LAW** on:

Thomas V. Dulcich
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by the following indicated method(s):

- ☐ by **faxing** full, true, and correct copies thereof to said attorney to the fax number noted above, which is the last known fax number for said attorney, on the date set forth below.
- ☐ by **emailing** full, true, and correct copies thereof to said attorney to the email address noted above, which is the last known email address for said attorney, on the date set forth below.
- ☒ by notice of electronic filing using the CM/ECF system.
- ☐ by causing full, true and correct copies thereof to be **mailed** to the attorney(s) at the attorney(s) last-known office address(es) listed above on the date set forth below.

DATED: February 1, 2016.

SLINDE NELSON STANFORD

By: /s/ Keith A. Pitt
Keith A. Pitt, OSB No. 973725
Of Attorneys for Defendant Walker Place, LLC